

B1 2. (Amended) A DNA encoding the protein having the amino acid sequence represented by SEQ ID NO. 2.

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B2 4. (Amended) A DNA capable of hybridizing to the nucleotide sequence of the DNA according to Claim 2 or 3 under stringent conditions and having 95% or more homology with the nucleotide sequence of said DNA, and encoding a protein having apoptosis-suppressing activities.

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#### REMARKS

Claims 2 and 4 have been amended in order to recite the present invention with the specificity required by statute. The subject matter of the amendment may be found in the specification as filed, inter alia, at page 6, lines 17-19. Accordingly, no new matter has been added.

Claims 2-7, 20 and 21 are rejected under 35 USC §102(b) as being anticipated by Kitamura et al. (Biochem. Biophys. Res. Commun. 219: 509-514 (1996)). The Examiner states that Kitamura et al. teach a DNA encoding a protein which is 99.4% similar in amino acid sequence to the amino acid sequence of SEQ ID NO.2 of the claimed invention.

This rejection is respectfully traversed. Applicants' claims are directed to a DNA encoding the protein having the amino acid sequence represented by SEQ ID NO. 2 (claim 2); a DNA having the nucleotide sequence represented by SEQ ID NO. 1 (claim 3); and a DNA capable of hybridizing to the nucleotide sequence of the DNA according to Claim 2 or 3 under stringent conditions and (i) having 95% or more homology with the nucleotide sequence of said DNA, and (ii) encoding a protein having apoptosis-suppressing activities (claim 4).